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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,576	10/12/2005	Mikio Furuuchi	279509US3PCT	4764
22850 7590 12/28/2007 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER SINGH, KAVEL	
			ART UNIT 3651	PAPER NUMBER
			NOTIFICATION DATE 12/28/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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jgardner@oblon.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/552,576	<b>Applicant(s)</b> FURUUCHI, MIKIO	
	<b>Examiner</b> Kavel P. Singh	<b>Art Unit</b> 3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 November 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 9-14 and 16-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-14 and 16-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/12/05</u> | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/15/07 has been entered.

### ***Response to Arguments***

The Applicant initiated interview on 12/11/07 discussed the amended claims and the prior art.

Applicant's arguments with respect to claims 9-14 and 16-18 have been considered but are moot in view of the new grounds of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9,10,16, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Kane U.S. Patent No. 6,012,568.

Claims 9,10,16, and 17, Kane teaches a pair of guide rails (40a,40b) respectively provided with guide surfaces (45) for guiding both side surfaces of a transferred article in a transfer direction are extended in the transfer direction and flexible endless belts (45) for supporting lower surfaces at both sides of the transferred article, whose both side surfaces are guided along the guide surfaces (C1 L47-55), to transfer the transferred article in the transfer direction, are drivingly connected to a drive device (34) and are carried along plural rotational members to be circulated (24,26), a stretching mechanism (38) provided at one end of each of the guide rails (40a,40b) to be stretchable in the transfer direction (C4 L45-50); a stretchable guide surface (60) provided at a facing surface of the stretching mechanism (38) and formed into a flat surface continuous and even with the guide surface (45) regardless of the stretched position of the stretching mechanism (38); and plural rotational members (20,22) provided on the facing surface of the stretching mechanism (38) for circulatably supporting the endless belt (45) and provided with an adjuster guide surface (side of 40a,40b) which is a flat surface even with the guide surface (45); and a complementary member (38) insertable into a space which is made between the guide surface (45) of the guide rail (40a,40b) (Fig. 5) and the adjuster guide surface (60) of the adjuster member (20) when the adjuster member (20) mounted at each end (Fig. 1) is moved in the moving direction, and provided with a complementary guide surface for forming a stretchable guide surface together with the adjuster guide surface (C4 L55-60).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kane U.S.

Patent No. 6,012,568 in view of Wiese U.S. Patent No. 6,629,595.

Claim 12, Kane teaches the adjuster member (20) has mounted thereon a first rotational member for winding therearound one end of a horizontally traveling portion of the endless belt (45) and a second rotational member (20), but does not teach as Wiese multiple extruded surface lanes (positions from 46a and 42a) for downwardly bending the endless belt (45) run out from the first rotational member (20); the complementary member (38) has mounted thereon a third rotational member (22) for horizontal bending the endless belt (45) run out from the second rotational member (20) and a fourth rotational member (24) for roughly vertically bending the endless belt (45) horizontally; and the guide rail (40a,40b) has mounted thereon a fifth rotational member (26) for horizontally bending the endless belt (45) run out from the fourth rotational member (24). It would have been obvious to one of ordinary skill in the art at the time of the invention to use various vertical heights in the guide rails as taught by Wiese into the invention of Kane in order to maintain tension of the belt.

***Allowable Subject Matter***

Claims 11,13, and 14 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

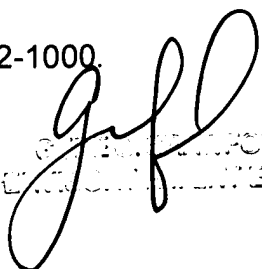
### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. 5,878,868; 6,843,365; 6,935,487.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ms. Kavel P. Singh whose telephone number is (571) 272-2362. The examiner can normally be reached on M-F 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
GENE CRAWFORD  
SUPERVISOR, EXAMINER

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